MINISTERIAL INSTRUCTION

NO 5 FOR AUTHORISING A PERSON TO ACT AS AN AUTHORISED PERSON FOR THE PURPOSE OF SECTIONS (40)(2) AND (40)(3)

Statement
This Ministerial Instruction sets out the requirements for authorised persons.

Date published: November 2017
Ministerial Instruction No 5 for authorising a person to act as an Authorised Person for the purpose of sections 40(2) and 40(3)

I, Jeremy Rockliff, being the Minister for Education and Training, make the following instruction for the purpose of section 6 of the Education Act 2016.

1. Purpose
1.1 The purpose of this Ministerial Instruction is to:
   a. set out the requirements for authorising a person to investigate any unauthorised absence, or suspected unauthorised absence of a school-aged child or youth from a school or an Approved Learning Program; and
   b. outline the powers and limitations of a person authorised to investigate the unauthorised, or suspected unauthorised absence of a school-aged child or youth.

2. Scope
This Ministerial Instruction applies to all schools, including State and non-government schools.

This Instruction comes into effect on 10 July 2017.

3. Instructions
3.1 Requirements for the appointment of a person to investigate unauthorised absences:
   a. The Administrative Authority may, from time to time at their discretion, authorise a person to be an ‘Authorised Person’ for the purpose of section 40 of the Act.
   b. An Authorised Person must be an employee of the Administrative Authority.
   c. Wherever practicable, a person who is appointed as an Authorised Person is to be someone who is likely to be known to a school-aged child or youth from that school.
   d. The Authorised Person must be considered by the Administrative Authority to have the skills and attributes deemed appropriate to undertake the role of an Authorised Person.
   e. Administrative Authorities must keep a record of persons appointed as an Authorised Person.
   f. The Administrative Authority will provide the Authorised Person with a card or document that clearly identifies them as an Authorised Person.
   g. The card/document will contain photo identification of the Authorised Person, the name and emblem of the school or Administrative Authority (whichever is more appropriate), signature of the Administrative Authority and the date when the approval begins and ends.
   h. An Authorised Person must comply with section 40 of the Act.
3.2 Investigating unauthorised absences

a. An Authorised Person for a State school is authorised to investigate any unauthorised absence, or suspected unauthorised absence of any school-aged child or youth from a school or Approved Learning Program.

b. An Authorised Person for a non-Government school is authorised to investigate any unauthorised absence, or suspected unauthorised absence of any school-aged child or youth from that school.

c. An Authorised Person does not have authority to restrain a school-aged child or youth.

d. An Authorised Person must follow any policy of the Administrative Authority, under which the child is enrolled, including but not limited to policies relating to the transporting of a school-aged child or youth in a vehicle.

4. Definitions

As per the Education Act 2016.

**Act means**

the Education Act 2016

**Authorised absence means**

an absence that is authorised under the Education Act 2016, specifically sections 19 and 36, and the circumstances set out in the Ministerial Instruction on Students Excused from Daily Attendance at School.

**Unauthorised absence means**

any absence that is not authorised.

5. Details

<table>
<thead>
<tr>
<th>Minister Authorisation:</th>
<th>Jeremy Rockliff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date authorised:</td>
<td>15 November 2017</td>
</tr>
<tr>
<td>Contact Business Unit:</td>
<td>Education Act Implementation</td>
</tr>
<tr>
<td>Contact Business Unit email:</td>
<td><a href="mailto:edact@education.tas.gov.au">edact@education.tas.gov.au</a></td>
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<td>30 October 2017</td>
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6. History of Changes

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<th>Last update date</th>
<th>Policy version no.</th>
<th>Notes</th>
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<tbody>
<tr>
<td>10 July 2017</td>
<td>-</td>
<td>1</td>
<td>New Education Act 2016.</td>
</tr>
<tr>
<td>15 November 2017</td>
<td>30 October 2017</td>
<td>1.1</td>
<td>Clarification that Authorised Persons are to be individually authorised.</td>
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